

Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	3

MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred House Bill 1266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 3, between lines 5 and 6, begin a new paragraph and insert:
- 2 **"(f) The circuit court clerk shall provide the notice required by**
- 3 **IC 3-11.7-6-4 to a voter who casts a provisional ballot under this**
- 4 **section."**
- 5 Page 4, delete lines 26 through 31, begin a new paragraph and
- 6 insert:
- 7 **"(j) This subsection applies to a voter who casts an absentee**
- 8 **ballot that is treated as a provisional ballot under subsection (i).**
- 9 **The board shall provide the voter, both orally and in writing, an**
- 10 **explanation of what actions, if any, the voter must take in order to**
- 11 **have the voter's ballot counted. The commission shall prescribe the**
- 12 **form of the explanation required by this subsection. The circuit**
- 13 **court clerk shall also provide the notice required by IC 3-11.7-6-4**
- 14 **to the voter."**

Page 5, delete lines 10 through 16, begin a new paragraph and insert:

"(d) This subsection applies to a provisional voter described in section 1(a) or 1(b) of this chapter. In addition to the written instructions required by subsection (c), a precinct election officer shall provide the provisional voter, both orally and in writing, an explanation of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted. The commission shall prescribe the form of the explanation required by this subsection. The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the provisional voter.

SECTION 5. IC 3-11.7-6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) This section applies to a county that conducts an election in which a voter:

(1) casts a provisional ballot under IC 3-11-8-25.2 or IC 3-11.7-2-2; or

(2) casts an absentee ballot that is being treated as a provisional ballot under IC 3-11-10-26.

(b) Not later than three (3) calendar days after election day, the circuit court clerk shall provide a notice containing the following information to each voter described in subsection (a):

(1) The reason or reasons that the voter's ballot is being treated as a provisional ballot.

(2) A description of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted under this article.

(3) The deadlines by which the provisional voter is required to take any actions described in subdivision (2) in order to have the provisional voter's ballot counted under this article.

(4) The name, job title, address, and telephone number of an individual whom the provisional voter may contact for additional information regarding the provisional voter's ballot.

(c) The notice required by subsection (b) must be:

(1) sent by first class United States mail; or

(2) given by another method that the circuit court clerk determines will provide actual notice to the voter.

1 **(d) The notice required by subsection (b) must be in a form**
 2 **prescribed by the commission.**

3 **(e) A circuit court clerk who knowingly omits to provide the**
 4 **notice required by subsection (b) commits a Class D felony under**
 5 **IC 3-14-4-3."**

6 Renumber all SECTIONS consecutively.
 (Reference is to HB 1266 as introduced.)

and when so amended that said bill do pass.

Representative Battles